

By: Representatives Paden, Sykes

To: Workforce Development;
Appropriations

HOUSE BILL NO. 95

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET
 2 FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES IN THE
 3 DEPARTMENT; TO PROVIDE FOR THE ELECTION OF THE COMMISSIONER OF
 4 LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972, TO
 5 ABOLISH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND
 6 TRANSFER THE DUTIES, POWERS AND FUNDS OF THE DEPARTMENT TO THE
 7 OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF
 8 LABOR; TO REPEAL SECTION 71-5-107, MISSISSIPPI CODE OF 1972, WHICH
 9 PROVIDES FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE
 10 MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO EMPOWER THE
 11 DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL
 12 AND STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION
 13 PROGRAMS; TO PRESCRIBE THE RESPONSIBILITIES OF THE OFFICE OF
 14 INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING, THE OFFICE OF
 15 EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE OFFICE OF
 16 DISABLED EMPLOYEE ASSISTANCE IN THE DEPARTMENT; TO AMEND SECTIONS
 17 7-1-351, 7-1-355, 7-1-357, 7-1-361, 7-1-363 AND 7-1-365,
 18 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
 19 25-3-31, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL SALARY OF THE
 20 COMMISSIONER OF LABOR; TO AMEND SECTIONS 23-15-193 AND 23-15-297,
 21 MISSISSIPPI CODE OF 1972, TO ADD THE COMMISSIONER OF LABOR TO THE
 22 LIST OF ELECTED OFFICIALS; AND FOR RELATED PURPOSES.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

24 **SECTION 1.** The following terms shall have the meanings
 25 ascribed in this section, unless the context otherwise requires:

- 26 (a) "Commissioner" means the Commissioner of Labor.
- 27 (b) "Department" means the Mississippi Department of
- 28 Labor.



29 (c) "Director" means the administrative head of an
30 office.

31 (d) "Office" means an administrative subdivision of the
32 department.

33 **SECTION 2.** (1) There is created the Mississippi Department
34 of Labor for the following purposes:

35 (a) To coordinate employer-employee services and
36 relations;

37 (b) To establish and oversee an effective and efficient
38 work force development system in Mississippi to enable residents
39 to acquire skills necessary to maximize their economic
40 self-sufficiency; and

41 (c) To provide Mississippi employers with the work
42 force they need to effectively compete in the changing world
43 economy.

44 (2) The department shall be composed of the following
45 offices:

46 (a) The Office of Employment Security;

47 (b) The Office of Job Development and Training;

48 (c) The Office of Industry Service and Industry
49 Start-up Training;

50 (d) The Office of Employee Relations and Job
51 Discrimination; and

52 (e) The Office of Disabled Employee Assistance.



53 **SECTION 3.** The Mississippi Department of Labor shall provide
54 the labor-management services authorized by law and by the rules,
55 regulations and policies of the department to every individual
56 determined to be eligible, and in carrying out the purposes of
57 this act, the department is authorized to:

58 (a) Expend funds received either by appropriation or
59 directly from federal or private sources;

60 (b) Cooperate with other departments, agencies and
61 institutions, both public and private, in providing the services
62 authorized by this act to individuals, in studying the problems
63 involved therein, and in establishing, developing and providing in
64 conformity with the purposes of this act any programs, facilities
65 and services as may be necessary or desirable;

66 (c) Enter into reciprocal agreements with other states
67 to provide for the services authorized by this act to residents of
68 the states concerned;

69 (d) Conduct research and compile statistics relating to
70 the provision of services to or the need of services by
71 individuals;

72 (e) Enter into contractual arrangements with the
73 federal government and with other authorized public agencies or
74 persons for performance of services related to labor-management;
75 and

76 (f) Take any action as may be necessary to enable the
77 department to apply for, accept and receive for the state and its



78 residents the full benefits available under any federal
79 legislation or program having as its purpose the providing of,
80 improvement of or extension of labor-management services.

81 **SECTION 4.** (1) The Chief Officer of the Mississippi
82 Department of Labor shall be the Commissioner of Labor, who shall
83 be elected at the general election in 2019 and every four (4)
84 years thereafter in the same manner as the public officers
85 provided in Section 23-15-193, and Section 140 of the
86 Constitution. However, the Governor shall appoint a qualified
87 person to serve as the Commissioner of Labor from January 1, 2019,
88 until the general election in 2019. From and after the general
89 election in 2019, the Commissioner of Labor's term of office shall
90 be for four (4) years. The commissioner shall receive a
91 compensation to be fixed by law. The commissioner shall be
92 responsible for the proper administration of the programs of
93 labor-management relations provided under this act and shall be
94 responsible for appointing directors of offices and any necessary
95 supervisors, assistants and employees. The salary and
96 compensation of those employees shall be subject to the rules and
97 regulations adopted and promulgated by the State Personnel Board.

98 (2) In carrying out the duties under this act, the
99 Commissioner of Labor shall:

100 (a) Promulgate regulations governing personnel
101 standards, the protection of records and confidential information,
102 the manner and form of filing applications, eligibility and



103 investigation and determination therefor, for labor-management
104 services, procedures for fair hearings and any other regulations
105 as he or she finds necessary to carry out the purposes of this act
106 and in conformity with federal law;

107 (b) Establish appropriate subordinate administrative
108 units within the department;

109 (c) Prepare and submit to the Legislature annual
110 reports of activities and expenditures and, before each regular
111 session of the Legislature, coordinate budget requests required
112 for carrying out this act and estimates of the amounts to be made
113 available for this purpose from all sources;

114 (d) Be empowered to exercise executive and
115 administrative supervision over all institutions, offices,
116 programs and services now existing or hereafter acquired or
117 created under the jurisdiction of the department;

118 (e) Make certification for disbursement, in accordance
119 with regulations, of funds available for implementing the purposes
120 of this act;

121 (f) Take such other action as he or she deems necessary
122 or appropriate to effectuate the purposes of this act; and

123 (g) May delegate to any officer or employee of the
124 department such of his or her powers and duties as he or she finds
125 necessary to effectuate the purposes of this act.

126 Any reference in this chapter or in any other provision of
127 law to the "Executive Director of the Mississippi Department of



128 Employment Security" means the Commissioner of Labor created in
129 this act.

130 **SECTION 5.** Section 71-5-101, Mississippi Code of 1972, is
131 amended as follows:

132 71-5-101. * * * On January 1, 2019, the Mississippi
133 Department of Employment Security is abolished, and the duties and
134 powers of the Mississippi Department of Employment Security and
135 all equipment, supplies, records and any funds appropriated by the
136 Legislature to the Mississippi Department of Employment Security
137 shall be transferred to the Office of Employment Security in the
138 Mississippi Department of Labor created in House Bill No. 95, 2018
139 Regular Session. Any reference in this chapter or in any other
140 provision of law to "Mississippi Department of Employment
141 Security" or "Mississippi Employment Security Commission" means
142 the Office of Employment Security within the Mississippi
143 Department of Labor created in this act.

144 **SECTION 6.** Section 71-5-107, Mississippi Code of 1972, which
145 provides for the appointment of the Executive Director of the
146 Mississippi Department of Employment Security, is repealed.

147 **SECTION 7.** The Office of Job Development and Training of the
148 Mississippi Department of Labor shall administer and coordinate as
149 necessary the following federal and state-funded employment,
150 training and employment-related education programs: (a) training
151 and employment-related education programs sponsored by the federal
152 Job Training Partnership Act; (b) employment programs under the



153 Wagner-Peyser Act; (c) employment, training and education programs
154 for welfare recipients funded by the federal JOBS and Basic Skills
155 Training Program within the Family Support Act; and (d) the
156 Comprehensive Employment and Training Act of 1973.

157 **SECTION 8.** The Office of Industry Service and Industry
158 Start-up Training in the Mississippi Department of Labor shall
159 contract with the Mississippi Community College Board and the
160 Office of Career and Technical Education and Workforce Development
161 to provide (a) all programs embracing an existing industry or a
162 new industrial training component, and (b) all employment-related
163 community/junior college or employment-related secondary education
164 programs.

165 **SECTION 9.** The Office of Employee Relations and Job
166 Discrimination in the Mississippi Department of Labor shall do all
167 in its power to promote the voluntary arbitration, mediation and
168 conciliation of disputes between employers and employees and to
169 avoid strikes, picketing, lockouts, boycotts, black list,
170 discriminations and legal proceedings in matters of employment.
171 In pursuance of this duty, the office may appoint temporary boards
172 of arbitration, provide necessary expenses of those boards, order
173 reasonable compensation for each member engaged in that
174 arbitration, prescribe rules for those arbitration boards, conduct
175 investigations and hearings, publish reports and advertisements,
176 and may do all things convenient and necessary to accomplish those
177 purposes. The office may designate a mediator and may detail



178 employees or persons not in the office from time to time for the
179 purpose of executing these provisions. Nothing in this section
180 shall be construed to in any way prohibit or limit employees'
181 right to bargain collectively.

182 **SECTION 10.** The Office of Disabled Employee Assistance of
183 the Mississippi Department of Labor shall function as an
184 information clearinghouse and referral service for employees and
185 employers regarding any aspect of the federal Americans With
186 Disabilities Act, which prohibits discrimination in all terms and
187 conditions of employment regarding private and public employers.

188 **SECTION 11.** Section 7-1-351, Mississippi Code of 1972, is
189 amended as follows:

190 7-1-351. The * * * Office of Job Development and Training of
191 the Mississippi Department of Labor shall be the Division of Job
192 Development and Training and shall retain all powers and duties
193 granted by law to the Division of Job Development and Training and
194 wherever the term "Division of Job Development and Training" shall
195 appear in any law it shall mean the Mississippi Department
196 of * * * Labor. * * *

197 **SECTION 12.** Section 7-1-355, Mississippi Code of 1972, is
198 amended as follows:

199 7-1-355. (1) The * * * Office of Job Development and
200 Training of the Mississippi Department of Labor is designated as
201 the sole administrator of all programs for which the state is the
202 prime sponsor under Title 1(B) of Public Law 105-220, Workforce



203 Investment Act of 1998, and the regulations promulgated * * *
204 under this act, and may take all necessary action to secure to
205 this state the benefits of that legislation. The * * * Office of
206 Job Development and Training of the Mississippi Department of
207 Labor may receive and disburse funds for those programs that
208 become available to it from any source.

209 (2) The * * * Office of Job Development and Training of the
210 Mississippi Department of Labor shall establish guidelines on the
211 amount and/or percentage of indirect and/or administrative
212 expenses by the local fiscal agent or the Workforce Development
213 Center operator. The * * * Office of Job Development and Training
214 of the Mississippi Department of Labor shall develop an
215 accountability system and make an annual report to the Legislature
216 before December 31 of each year on Workforce Investment Act
217 activities. The report shall include, but is not limited to, the
218 following:

219 (a) The total number of individuals served through the
220 Workforce Development Centers and the percentage and number of
221 individuals for which a quarterly follow-up is provided;

222 (b) The number of individuals who receive core services
223 by each center;

224 (c) The number of individuals who receive intensive
225 services by each center;

226 (d) The number of Workforce Investment Act vouchers
227 issued by the Workforce Development Centers including:



228 (i) A list of schools and colleges to which these
229 vouchers were issued and the average cost per school of the
230 vouchers; and

231 (ii) A list of the types of programs for which
232 these vouchers were issued;

233 (e) The number of individuals placed in a job through
234 Workforce Development Centers;

235 (f) The monies and the amount retained for
236 administrative and other costs received from Workforce Investment
237 Act funds for each agency or organization that Workforce
238 Investment Act funds flow through as a percentage and actual
239 dollar amount of all Workforce Investment Act funds received.

240 **SECTION 13.** Section 7-1-357, Mississippi Code of 1972, is
241 amended as follows:

242 7-1-357. The * * * Office of Job Development and
243 Training * * * of the Mississippi Department of Labor is hereby
244 authorized to cooperate with or enter into agreements with any
245 agency, official, educational institution or political subdivision
246 of this state, any agency or official of the government of the
247 United States of America, or any private person, firm, partnership
248 or corporation in order to carry out the provisions of Sections
249 7-1-351 through 7-1-371.

250 **SECTION 14.** Section 7-1-361, Mississippi Code of 1972, is
251 amended as follows:



252 7-1-361. The * * * Office of Job Development and
253 Training * * * of the Mississippi Department of Labor is
254 authorized to promulgate such rules and regulations as may be
255 necessary to carry out the provisions of Sections 7-1-351 through
256 7-1-371.

257 **SECTION 15.** Section 7-1-363, Mississippi Code of 1972, is
258 amended as follows:

259 7-1-363. To the maximum extent practicable, the Department
260 of * * * Labor shall contract with the * * * Office of Career and
261 Technical Education and Workforce Development of the * * *
262 Mississippi Department of Education to provide all programs
263 embracing an institutional training component. * * * Those
264 programs shall be contracted to the * * * Office of Career and
265 Technical Education and Workforce Development of the Mississippi
266 Department of Education, except those programs funded by the
267 Governor's special grant, shall be coordinated with and
268 complementary to the existing state public educational systems and
269 shall not be duplicative or competitive in nature to * * * those
270 systems.

271 **SECTION 16.** Section 7-1-365, Mississippi Code of 1972, is
272 amended as follows:

273 7-1-365. The * * * Mississippi Department of Education,
274 * * * Office of Career and Technical Education and Workforce
275 Development, the board of trustees of any junior college district,
276 the board of trustees of any school district, the



277 Mississippi * * * Department of Labor, and the * * * Office of Job
278 Development and Training, * * * Mississippi Department of Labor,
279 shall cooperate in carrying out the provisions of Sections 7-1-351
280 through 7-1-371.

281 **SECTION 17.** Section 25-3-31, Mississippi Code of 1972, is
282 amended as follows:

283 25-3-31. The annual salaries of the following elected state
284 and district officers are fixed as follows:

285	Governor.....	\$122,160.00
286	Attorney General.....	108,960.00
287	Secretary of State.....	90,000.00
288	Commissioner of Insurance.....	90,000.00
289	State Treasurer.....	90,000.00
290	State Auditor of Public Accounts.....	90,000.00
291	Commissioner of Agriculture and Commerce.....	90,000.00
292	<u>Commissioner of Labor</u>	<u>90,000.00</u>
293	Transportation Commissioners.....	78,000.00
294	Public Service Commissioners.....	78,000.00

295 * * *

296 **SECTION 18.** Section 23-15-193, Mississippi Code of 1972, is
297 amended as follows:

298 23-15-193. At the election in * * * 2019, and every four (4)
299 years thereafter, there shall be elected a Governor, Lieutenant
300 Governor, Secretary of State, Auditor of Public Accounts, State
301 Treasurer, Attorney General, three (3) public service



302 commissioners, three (3) Mississippi Transportation Commissioners,
303 Commissioner of Insurance, Commissioner of Agriculture and
304 Commerce, Commissioner of Labor, Senators and members of the House
305 of Representatives in the Legislature, district attorneys for the
306 several districts, clerks of the circuit and chancery courts of
307 the several counties, as well as sheriffs, coroners, assessors,
308 surveyors and members of the boards of supervisors, justice court
309 judges and constables, and all other officers to be elected by the
310 people at the general state election. All such officers shall
311 hold their offices for a term of four (4) years, and until their
312 successors are elected and qualified. The state officers shall be
313 elected in the manner prescribed in Section 140 of the
314 Constitution.

315 **SECTION 19.** Section 23-15-297, Mississippi Code of 1972, is
316 amended as follows:

317 23-15-297. All candidates upon entering the race for party
318 nominations for office shall first pay to the proper officer as
319 provided for in Section 23-15-299 for each primary election and
320 all independent candidates and special election candidates shall
321 pay to the proper officer as provided for in Section 23-15-299 the
322 following amounts:

323 (a) Candidates for Governor, One Thousand Dollars
324 (\$1,000.00).

325 (b) Candidates for Lieutenant Governor, Attorney
326 General, Secretary of State, State Treasurer, Auditor of Public



327 Accounts, Commissioner of Insurance, Commissioner of Agriculture
328 and Commerce, Commissioner of Labor, State Highway Commissioner
329 and State Public Service Commissioner, Five Hundred Dollars
330 (\$500.00).

331 (c) Candidates for district attorney, State Senator and
332 State Representative, Two Hundred Fifty Dollars (\$250.00).

333 (d) Candidates for sheriff, chancery clerk, circuit
334 clerk, tax assessor, tax collector, county attorney, county
335 superintendent of education and board of supervisors, One Hundred
336 Dollars (\$100.00).

337 (e) Candidates for county surveyor, county coroner,
338 justice court judge and constable, One Hundred Dollars (\$100.00).

339 (f) Candidates for United States Senator, One Thousand
340 Dollars (\$1,000.00).

341 (g) Candidates for United States Representative, Five
342 Hundred Dollars (\$500.00).

343 **SECTION 20.** This act shall take effect and be in force from
344 and after January 1, 2019.

